

REMARKS

Applicants have received and reviewed an Office Action dated March 9, 2005. By way of response, Applicants have canceled claims 10-25 without prejudice and amended claims 1, 2 and 3. No new matter is presented. Claims 1-9 are pending. Applicants submit that the pending claims are supported by the specification.

For the reasons given below, Applicants submit that the amended claims are in condition for allowance and notification to that effect is earnestly solicited.

Rejection of Claims Under § 112, Second Paragraph

The Examiner rejected claims 2 and 3 under 35 U.S.C. § 112, second paragraph. The Office Action asserts that claims 2 and 3 should include additional steps. Applicants respectfully traverse this rejection.

First, Applicants respectfully submit that a dependent claim includes all of the features of the independent claim plus those features recited in the dependent claim. Therefore, claims 2 and 3 as filed were complete and included all features of claim 1.

Nonetheless, solely to expedite prosecution of the application and not to acquiesce to the reasoning of the Office Action, Applicants have amended claims 2 and 3. The amended claims recite that forming “the” first detector complex “further” comprises the features stated in the dependent claim. The claims now more emphatically state that dependent claims include all of the features of independent claim 1. The claims were not narrowed by this amendment.

Accordingly, it is believed that the amended claims fully comply with § 112, second paragraph, and withdrawal of this rejection is respectfully requested.

Rejection of Claims Under § 102(b)

The Examiner rejected claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by Natan (U.S. Patent No. 6,025,202). Applicants respectfully traverse this rejection.

The Office Action asserts that the Natan reference discloses methods for detecting a biomolecule. Applicants respectfully disagree. In fact, the Natan reference discloses methods for making a SERS-sensitive surface and for measuring the Raman spectrum of an unknown, such as a pesticide, stuck to the surface.

The Natan system including the metal colloid monolayer is made and used to detect analytes to which the monolayer has been exposed. The analyte is absorbed onto the monolayer and the Raman IR spectrum of the analyte determined by employing SERS (see, e.g., column 25, lines 24-48).

In contrast, the presently claimed method includes detecting the SERS signal, wherein the presence of the SERS signal indicates the presence of the biomolecule. This present method detects the biomolecule through the existence of the signal, not the spectrum obtained. Therefore, the Natan reference neither teaches nor suggests the presently claimed method.

Accordingly, based on the foregoing differences, it is submitted that the reference cited in the prior art rejection neither teaches nor suggests the presently claimed method, and withdrawal of this rejection is respectfully requested.

Summary

In summary, Applicants submit that each of claims 1-9 are in condition for allowance. The Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below, if the Examiner believes that doing so will expedite prosecution of this application.

Respectfully submitted,

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